

**APPLICANTS:**  
**Ronald and Kelly Jones**

**REQUEST:**  
**Variance to allow a covered porch within  
the front yard setback**

**HEARING DATE: January 14, 2004**

**BEFORE THE**  
**ZONING HEARING EXAMINER**  
**FOR HARFORD COUNTY**  
**BOARD OF APPEALS**  
**Case No. 5390**

### **ZONING HEARING EXAMINER'S DECISION**

**APPLICANTS:** Ronald and Kelly Jones

**LOCATION:** 416 Trimble Road, Joppa, Maryland  
Tax Map: 65 / Grid: 3A / Parcel: 712 / Lot: 12  
First Election District)

**ZONING:** R3 / CDP (Urban Residential/Community Development Project)

**REQUEST:** Variance pursuant to Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance and to Section 267-23C(1)(a)[2] of the Harford County Code , to allow a covered porch within the required 22-foot front yard setback in an R3/CDP District

#### **TESTIMONY AND EVIDENCE OF RECORD:**

For the Applicant testified Ronald Jones. Mr. Jones stated, and indicated in his application, that the front yard of his single family home has an approximately 3 foot drop off from Trimble Road to his front stoop. He indicates that while he is surrounded by other similar homes his is the only residence that has such a significant change in elevation.

Because of this change in elevation, Mr. Jones' home suffers drainage problems as water tends to accumulate in his front yard. In order to partially alleviate this problem, the Applicants wish to construct a covered front porch slightly into the front yard setback, which is the portion of the property on which the drainage accumulates. The porch, if allowed, would encroach about 4 feet into the required 22 foot front yard setback.

Mr. Jones indicated that he had spoken to his neighbors at both 414 and 418 Trimble Road and neither had any objection to his proposed variance.

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Next, for the Harford County Department of Planning and Zoning, testified Anthony McClune. Mr. McClune testified that the subject property is unique due to the elevation change in its front yard, and that fact that drainage run-off tended to accumulate there. This testimony was supported by the Report of the Department of Planning and Zoning. The elevation of the property is about 3 feet below the street, which is not typical of other lots in the subdivision. Water tends to accumulate and gather on the subject property, and not on other lots.

Mr. McClune and the Department believe that the proposed variance, if granted, would have no adverse impact on other properties or on the neighborhood, provided sufficient landscaping is provided.

There was no testimony in opposition.

### **APPLICABLE LAW:**

The Applicants are governed by the provisions of Ordinance 6, Section 10.05 of the 1957 Zoning Ordinance which required a 22 foot front yard setback.

The Harford County Code presently allows, at Section 267-23C(1)(a)[2], as an exception to the present minimum yard requirement, porches to encroach 3 feet into minimum front yard requirements.

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

*“Variances.*

*A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:*

*(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*

*(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

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- B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

Section 267-9I, Limitations, Guides and Standards, sets forth the generalized series of conditions which must be met in any application for variance.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

The Applicants property is located in a subdivision of single family homes, fronting on Trimble Road. A review of the documents submitted both with the Application and during the hearing indicate that the houses are relatively close to Trimble Road, with the Applicants' property having an existing front yard of about 22 feet. This is similar to others in the neighborhood. The Applicants' property is different and unique from the other properties in the neighborhood in that it suffers a 3 foot "dip" in elevation between the front of their house and Trimble Road. This dip causes surface water to collect in the front yard, which causes a hardship to the Applicants, one not suffered by other residents.

The Applicants intend to partially alleviate this situation by extending the front porch approximately 4 feet into their front yard setback. The variance which they require to do so is fully warranted by their unique situation.

The variance, if granted, would have no adverse impact to the surrounding neighbors or the neighborhood, would not impair the purposes of the Zoning Code, and fully complies with all the standards of Section 267-9I.

For the above reasons the variance is warranted.

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**CONCLUSION:**

It is recommended that the requested variance be granted, subject to the following:

1. The Applicants obtain all necessary permits and inspections for the porch.
2. A landscaping plan for the area in front of the porch shall be submitted to the Harford County Department of Planning and Zoning for its review and approval. Landscaping shall be significant, and adequate to mitigate the impact of the porch from the view of neighbors and passers-by.

Date: February 11, 2004

ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner